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Request for the inclusion of a supplementary item in the agenda of the sixty-third session

Request for an advisory opinion of the International Court of Justice on whether the unilateral declaration of independence of Kosovo is in accordance with international law

Letter dated 15 August 2008 from the Permanent Representative of Serbia to the United Nations addressed to the Secretary-General

I have the honour to forward, enclosed herewith, a letter that Vuk Jeremic, Minister for Foreign Affairs of the Republic of Serbia, delivered today to the Deputy Secretary-General of the United Nations (see annex) with the request of the Republic of Serbia regarding the inclusion in the agenda of the sixty-third session of the General Assembly, under heading F, "Promotion of justice and international law", of a supplementary item entitled "Request for an advisory opinion of the International Court of Justice on whether the unilateral declaration of independence of Kosovo is in accordance with international law", with subsequent consideration of the item directly at a plenary meeting of the General Assembly.

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the General Assembly.

(*Signed*) Pavle **Jevremović**
Ambassador
Permanent Representative

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Annex to the letter dated 15 August 2008 from the Permanent Representative of Serbia to the United Nations addressed to the Secretary-General

15 August 2008

In accordance with rule 14 of the rules of procedure of the General Assembly, I have the honour to request the inclusion in the agenda of the sixty-third session of the General Assembly, under heading F, "Promotion of justice and international law", of a supplementary item entitled "Request for an advisory opinion of the International Court of Justice on whether the unilateral declaration of independence of Kosovo is in accordance with international law", with subsequent consideration of the item directly at a plenary meeting of the General Assembly.

In accordance with rule 20 of the rules of procedure of the General Assembly, an explanatory memorandum is herewith attached (see enclosure).

I should be grateful if you would have the text of the present letter and its enclosure circulated as a document of the General Assembly.

(*Signed*) Vuk **Jeremic**

Enclosure

Explanatory memorandum

The Provisional Institutions of Self-Government of Kosovo, a province of the Republic of Serbia under United Nations administration, pursuant to United Nations Security Council resolution 1244 (1999), unilaterally declared independence on 17 February 2008.

Although an overwhelming majority of Member States have not recognized Kosovo's independence, this act has caused a number of controversies and divisions within the international community.

The Republic of Serbia has continuously striven to achieve a consensual solution to the Kosovo issue through negotiations within the framework of the United Nations.

We hold that the most principled, sensible way to overcome the potentially destabilizing consequences of Kosovo's unilateral declaration of independence is to transfer the issue from the political to the juridical arena. Aside from reducing the diplomatic tensions that have arisen since the unilateral declaration of independence, such an approach would contribute to strengthening the rule of law in international relations. With this in mind, Serbia considers that the United Nations General Assembly, in view of the powers and functions conferred on it by the Charter of the United Nations, in particular by Articles 10, 13 and 96, has a crucial role to play in this regard.

The Republic of Serbia believes that an advisory opinion of the principal judicial organ of the United Nations — the International Court of Justice — would be particularly appropriate in the specific case of determining whether Kosovo's unilateral declaration of independence is in accordance with international law.

The international community considers the Court's impartial advisory opinions to be the most authoritative interpretations of the principles of the international legal order. Member States share a deep commitment to the safeguarding of these principles, yet some are uncertain as to which arguments involving these principles they can rely on in this particular case.

Many Member States would benefit from the legal guidance an advisory opinion of the International Court of Justice would confer. It would enable them to make a more thorough judgement on the issue.

Finally, an advisory opinion of the International Court of Justice, rendered in a non-contestable, non-adversarial manner, would go a long way towards calming tensions created by Kosovo's unilateral declaration of independence, avoiding further negative developments in the region and beyond and facilitating efforts at reconciliation among all parties involved.

By having recourse to the International Court of Justice, the General Assembly would ensure that the Kosovo issue becomes a symbol of renewed resolve concerning adherence to the rule of law by the international community.